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THE TWO PROCLAMATIONS.

SPEECH

OF THE

HON. JAMES BROOKS,

BEFORE THE

Democratic Union Association, Sept. 29th, 1862.

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Hon. James Brooks, on rising, was received with great cheering. As soon as silence was restored, he said :—

MR. CHAIRMAN AND GENTLEMEN :—I am well aware of the responsibility under which any public speaker addresses any public meeting in a crisis like this. I am well aware, that this hitherto proud land of liberty, of which we all have boasted and in which we all have lived, is now not altogether free, for free discussion, free speech, or a free press. ("That's so," and applause. Another voice—"We'll make it so.") Every one who comes before the public fearlessly to utter his sentiments, to say now what hitherto has been accorded to all by every administration of the government, assumes a responsibility which every public speaker would gladly avoid if he could. I have interests, I have associations, I have responsibilities, I have a family, and I am not satisfied yet, that if what I say here does not suit the administration in power, that I may not be dragged and incarcerated where many a man has been dragged without trial. ("No you won't," and applause.) Nevertheless, I feel that I speak as it were, a candidate for the Bastile this evening, but I shall speak freely, boldly, and fearlessly, though with due respect to the administration. (Loud cheers.)

THE DISTINCTION BETWEEN ADMINISTRATION AND GOVERNMENT.

A new era has come in upon us; new logic has arisen; new law is expounded; new expositors of the Constitution have sprung up. There was assembled, Sunday evening, in a neighboring city, in no lager bier saloon, in no Irish porter house, where a like discussion would have been suppressed by the police, but in the holy Puritan church of Brooklyn, a political meeting, (great hissing) in which the reverend expositor of the Constitution laid down this creed, as I find it reported :

"There can be only two parties now in this country—one for liberty and the President and the other for the South and for slavery. I know it is said that the President is not the government; that the Constitution is the government. What! a sheep-skin parchment a government! * * President Lincoln, his cabinet, the heads of the executive departments, are the government, and men have got to take their choice whether they will go against the government."

And the President himself has fallen into a like error in his reply to the Abolitionists of Chicago, for they report him to have said, while they were presenting to him the necessity of issuing the proclamation :

"Understand," says President Lincoln, "I raise no objection on legal or constitutional grounds, but as Commander-in-Chief of the Army and Navy in time of war, I suppose I have a right to take any measure which may best subdue the enemy." He further said in the course of his conversation with them, in substance, that whatever appeared to be God's will he (President Lincoln) would do.

Now, gentlemen, I propose, as briefly as possible, to present to you, not my ideas, but what are the real ideas of government and of the administration of the government, and what is the difference between government and the administration of government? To the government itself, we all owe loyalty and devotion, (applause) and to the government we all owe allegiance and fidelity. Government is not only instituted by man for the protection of man and of society, but government is ordained of God to protect the people from anarchy and to maintain liberty and law for the people. (Renewed applause.)

ALLEGIANCE DUE TO GOVERNMENT, NOT TO MAN.

To that species of government our allegiance is due, and it has been given by the Whigs and by the Democrats in Congress in freely voting mil-

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lions and tens of millions to support the government and the Constitution of the United States. It has been given by the people of New York city, in tens of thousands of dollars and in thousands of soldiers, volunteers in the army of the United States, for the support of the government; and its volume and its voice are expressed by two Democratic Generals at the head of the army, Halleck, the Commander in-Chief, and McClellan, —— [Protracted and enthusiastic cheers, in which the voice of the speaker was lost.] Government, in this country, has its form and embodiment in that written instrument called the Constitution of the United States. That piece of "parchment," that piece of "sheepskin," as it was sneeringly called by the reverend orator, on Sunday evening, that Constitution of the United States, is the written expression of the public will, the embodiment of the government, and in that Constitution, which to us is, what *Magna Charta* is to England, what the *habeas corpus* is to England; in that instrument is our form of government, and that government embodies four distinct branches,—not alone the President of the United States, nor the Cabinet of the President of the United States, (an organization altogether unknown to the Constitution,) but the Senate of the United States, that has the treaty-making power, and that has the confirming power over appointments, the House of Representatives of the United States, and last, not least, aye, more powerful than all, the Judiciary of the United States. [Cheers.] President Lincoln is no more the government, than you, or I or anybody else; he is but a branch of the government. [Renewed cheers.] He is but the Executive power. He is no more the government than the Senate, or the House of Representatives, and Justice Taney, with his associate Judges, is as much a part of the government as the President himself. [Applause.]

MAN ALLEGIANCE A TORY IDEA.

These are constitutional facts; this is the written law of the United States; this is the embodied government of the United States, and the only government to which I, or you, or any Democrat, or any Whig, have ever sworn allegiance. [Great cheering.] This Beecher idea of government is twelve or fifteen hundred years old, a product of the feudal ages, the darkest ages of Europe. Bracton, the lawyer, enunciated it in law Latin: "*Rex est vicarius et Minister Dei in Terra, omnis quidem sub eo est, et ipse sub nullo, nisi tantum sub Deo.*"—The kingly idea of government, in one man, or under one authority, with certain Divine rights, irresponsible to man on earth and scarcely responsible to God in Heaven, is the Tory idea of government; the despotic, monarchical idea, never before, till in this crisis, this new era, introduced and forced upon the unhappy people of these United States of America. [" Good," and applause.] The President himself is but the mere creature of the Constitution of the United States. He never was elected by the popular will, or by the popular voice of the people of the United States.—[" No, never," and great applause.] No never, *never*, NEVER! [A number of voices, "Never."]

MR. LINCOLN NOT PRESIDENT BY THE POPULAR VOICE.

Of the four millions and two-thirds of a million of votes cast at the last Presidential election, Mr. Lincoln was in the minority of nearly a million, among the people; [applause] and though in California and Oregon, under the plurality system, he received their electoral votes, in New Jersey, glorious New Jersey, [cheers for New Jersey,] he did not receive the vote popular or the vote electoral. Thus, in these three northern States of the Union, a majority of the people were against him, while from the Susquehanna to the Rio Grande, in fifteen other States, not a popular, nor an electoral vote was given him.

MR LINCOLN ONLY PRESIDENT AS CREATURE OF THE CONSTITUTION.

Nevertheless, under our constitutional system in the Electoral Colleges, of the 303 electoral votes there, though in a popular minority of nearly a million of votes, he did receive 180 electoral votes, twenty-eight more votes than were necessary to elect him, the President of the United States, under the Constitution. I repeat, then, the President does not represent, and never has represented, the popular will of the people of the United States. (A voice—"And never will.") He is the mere creature of the Constitution of the United States, and our obedience to him as Executive, our fidelity to him as the Executive, is through, and under the Constitution alone. ("That is all," and cheers.) Hence when these declaimers tell me, that the President is the government, and his Cabinet are the government, I show them the popular vote, and I repeat to them, that the President himself could not be President, but as he was elected and upheld by the Constitution of the U. S, and in defiance of the popular voice of the U. S. (Applause.) Tell me not, then, that I may not, and shall not, discuss the measures of an administration, or, that this administration is the government, and that in criticising the administration I am guilty of treason to the government. Government is a thing eternal, and springs from God as well as born of the instincts of man, but Mr. Lincoln is but a creature of the Constitution for four years only, and the Cabinet are

but creatures of Lincoln. And yet the reverend Brooklyn expositor tells us, that the President and the Cabinet are the government of the U. S. (A voice—"They are pretty nearly played out.") I shall, therefore, as I have a right, discuss freely all the measures of the administration.

THE TARIFF NOT FOR REVENUE ALONE—CARPETPETING—WOOD SCREWS.

I shall speak of the tariff, for example, cost what it may. I shall say that the existing tariff was not made for revenue, but in the main for the protection of a few monopolizing, rich and wealthy corporators, the most of whom are in New England. (Applause.) I will say—and I might enumerate many such instances—that in the simple article of the tapestry carpet manufacture, in consequence of the loom for the manufacture of that species of carpeting being patented, the tariff law of the United States throws thirty or forty per cent protection for every yard of tapestry carpet manufacture into the hands of two or three wealthy manufacturers of tapestry carpeting. ("That's so, and cheers.") (A voice, "Simmons on wood screws.") Yes, that is another of the many illustrations.

THE PUBLIC LANDS.

So with the public lands. When it was necessary to raise the tariff to increase the protection to these corporators, not for revenue, but wholly for the purpose of protection, the public lands were given away by Congress under the pretence of a donation to the poor man, while upon that very poor man's tea, was levied a duty, which makes it cost him thirty to forty cents per pound more, while the price of his sugar has been doubled, the price of his coffee largely increased, and taxation in every way and in every possible manner inflicted upon the consumers of products and the laborers throughout all the United States. (Applause.) I will say, too, that the appropriation of millions of money for a few wealthy corporators of the Pacific railroad by Congress in time of war, was a wasteful exercise of the power of appropriating money when it was necessary during the war to inflict enormous and gigantic taxes upon all classes of people. (Cheers.)

THE CURRENCY—PAPER MONEY LEGAL TENDER.

I shall speak, also, of the currency of the United States. The creators of the Constitution, our fathers, intended that the people should have hard money as the basis of their business, only hard money; gold and silver were the people's money. Hence gold and silver were ingrafted upon the Constitution, and the power given to Congress was only the power to *coin* money, never to coin paper, as money, ("good" and applause,) and to stamp upon metal, never, on paper, the value of money; the States were forbidden, therefore, lest they might override the Constitution, from ever making anything but gold and silver money a legal tender for the payment of debts between man and man. And yet, the administrative powers in Congress and in the White House have not only violated the Constitution of the United States in the coining of millions and millions of Treasury notes, but have gone down to low water mark and have coined even postage stamps, not shin plasters alone, but sticking plasters also. (Great laughter.) Now, if human ingenuity had exerted itself to invent or devise the ways and means of destroying the value of property and of labor and of disturbing society, it need never have invented better ways and means than have been thus invented by this Administration. The man who receives a dollar a day for his labor, when gold is twenty per cent premium, receives only eighty cents per day for that labor. (That's so, and applause.) The laborer, the painter, the carpenter, the forger, the manufacturer, the foundryman, who has his two dollars a day nominally for labor, has only a dollar and sixty cents for that labor, while upon his tea, his coffee, his sugar, his shirtings, his sheetings, and his clothing of all kinds, prices have been, if not doubled, almost everywhere increased, thirty to forty per cent in cost. (That's so, and renewed applause.) Tell me not then, I am not to discuss such measures of the Administration. Who shall forbid, what shall prevent it? All the ingenuity and devices of Satan himself for destroying the value of labor and for corrupting everything in society, could not have suggested anything more mischievous and damaging than this corruption and degradation of the currency. The higher, nominally, things go, the more the laborer practically suffers, for while the capitalist, in his better knowledge of value and of money, knows how to handle money and to exchange values, the last thing that rises in the market, are the wages of the common day laborer. He, who has a salary of a thousand dollars, has twenty per cent of it taken off. He whose wages are twelve dollars a week, practically receives two dollars and forty cents less than the contract was made for, when he first received these stipulated wages for his labor. (Applause.) These, however, are minor matters of importance, things to be but little considered when human Liberty,—if if not human life, are all at stake.

THE TWO PROCLAMATIONS—THE PROVOST MARSHAL WAR ORDER.

There have recently appeared from the administration of this government three documents of the greatest importance, which it may

be dangerous freely to discuss, but which it is not the less our right and duty freely to discuss. These are, the first Proclamation, the second Proclamation, and the last, but not the least, the War Order from the War Department abolishing, to a considerable extent, the civil jurisdiction of the courts, and establishing in lieu thereof, a system of Provost Marshals throughout the whole of the United States of America. The first Proclamation of the President has in it three elements, three points worthy of consideration. The first is emancipation, the second is a proposition for the compensation of slaves, and the third is the colonization of these slaves. I propose as briefly as possible to examine these points in order. The first thing which strikes a man is, to ask, where is the grant of power in the Constitution of the U. S. which gives the President, but the creature of the Constitution, authority to annul whole States of the Union, or the laws and institutions of whole States in that Union, and to override all laws for the protection of loyal men, even if in disloyal States. No man can rise and say, that there is, anywhere, in our written Constitution, any such authority for the President of the U. S. to exercise any such power as he assumes or usurps in his Proclamation. The only authority claimed is, that he, as Commander-in-Chief of the army—of the army not in the field—*flagrante bello*, but as theoretical Commander-in-Chief of the army, sitting in the White House at Washington, has the power to exercise *any* authority which appears to him best, or which he deems right. Now, if this be law, there is no security that he may not exercise the same power, if he deems it best for the people of the United States, to annul the relation of parent and child, of ward and guardian, of debtor and creditor, of mortgagor and mortgagee, aye, all the rights and obligations of society—for he has the same right as Commander-in-Chief to exercise all powers over the northern States of the Union. ("Hear, hear," and cheers.) Who created this creature of the Constitution, the offspring of a popular minority, who vested and appointed him with this arbitrary power over thirty millions of human beings?—(great cheering,)—a power, the like of which, if exercised in England, without an act of Parliament, would create a revolution there in forty-eight hours, among all classes of people: a power, which Napoleon never dared to exercise upon his imperial throne, and which the French people would never submit to, if attempted over the people of France? (Cheers.)

THE LAWS OF WAR.

But there is no such military power under the institutions of the United States. There are martial rights, laws of war, but well known and well recognized, laws written of, in Grotius, in Vattel, in Puffendorf, in our own Wheaton, and in our own Kent, and nowhere is there recorded as giving to any nominal Commander of an army, any such authority as the President attempts to exercise, not only over the people at large, but over this Constitution of the United States. I do not hesitate to say, cost what it may, the use of such power is an arbitrary, and despotic exercise of illegal and unconstitutional power.—[Tremendous cheering.] I will not cite a hundred authorities that I could cite in Latin, in French and in German, under the civil law, as old as the days of Justinian, but I will come down to what has been deemed high Republican authority, that, of John Quincy Adams. We had like controversies with Great Britain in 1783 and in 1816, upon the subject of slave emancipation, that we have now. Great Britain, pending the revolution, emancipated and abducted many slaves from Long Island and elsewhere, and carried those slaves to Nova Scotia or to the West Indies, there to be re-enslaved, and in the war of 1812, Great Britain exercised a like power over this slave property of the United States. John Quincy Adams, as a Minister to England, as Secretary of State of the United States, wrote to the British authorities that,—

"They (the British) had no right to make any such emancipation promises to the negro. The principle is, that the emancipation of the enemy's slaves is not among the acts of legitimate war; as relates to the owners it is a destruction of private property, nowhere warranted by the usages of war."

"No such right is acknowledged as a law of war by writers who admit any limitation. The right of putting to death all prisoners, in cold blood, without special cause, might as well be pretended to be a law of war, or the right to use poisoned weapons, or to assassinate."

This is the language of John Quincy Adams, in his correspondence with the British government, upon the subject of slaves emancipated during the war of the Revolution and the war of 1812. Under this remonstrance, and through the treaty of Ghent, one million two hundred thousand dollars were paid by the British government, to the southern slaveholders, for property thus abducted and emancipated during the war of the Revolution and the war of 1812. [Applause.] Hence, as the Proclamation is not right under the Constitution, it is no more right under the laws of war, nor is it right, to the loyal men, in the disloyal States of this Union.

MUTUAL DUTIES OF ALLEGIANCE AND PROTECTION.

Government has obligations and duties as well as rights. It has no right to claim allegiance and fidelity from a citizen when it cannot protect that citizen, and unless protection is given, allegiance is not due. [Cheers.] When the government of the United States failed to exercise its power for the protection of the loyalists of East Tennessee, of Virginia, of Texas and of North Carolina, under the law of nations the people there were, *pro tem*, for the time being, absolved from allegiance to the United States government, until the government could re-establish its power. [Applause.] There are two species of government under which men live, termed in law Latin, governments *de facto* and governments *de jure*, or in plainer English, existing governments, governments in point of fact, and governments

of right. Ours here in these northern States is not only a government *de facto*, but a government *de jure*. Theirs in the South, unrecognized by us or the world—a mere government of rebellion—is a government *de facto*, not a government *de jure*, till recognized by the world and by us. Now, even loyal people living under that hard, iron, despotic government, *de facto*, of the South, are bound, obligated, forced by love of life and love of property to yield obedience to that government till they are emancipated from it by the people of these northern States. And yet this proclamation, with one fell blow, with one fatal sweep, abolishes the rights of property which every loyalist has in Tennessee, North Carolina, Louisiana, Alabama, Texas, or anywhere, South. The loyalist and the rebel are put upon a par by this proclamation. And the loyalist, if, for the sake of his wife, of his children, and of his property, though his heart'felt allegiance may be given to this government, though his love and devotion are all for it, he obeys this Government *de facto*, yet is put under the ban by this proclamation as much as if he had been a rebel, *abinitio*, from the very beginning, when the rebellion first broke out. (Applause.) Hence, I repeat, the proclamation is unconstitutional; the proclamation is against the laws of war; (loud and protracted cheers) the proclamation is against all well-written distinctions of jurists upon the subject of allegiance and loyalty due governments, *de jure* and *de facto*. (Renewed cheers) Excuse me, gentlemen, for the heaviness, the prolixity of this discussion. ("Go on, go on.") I fear that in entering into it I am too laboriously discussing abstract principles; but in these times it becomes necessary to discuss these plain, constitutional, legal principles and to show that two and two make four.

FEDERAL COMPENSATION FOR STATE SLAVES.

The next proposition of the proclamation is compensation to slaves. Here I plant my foot down on the steps of my fathers, in this, and other northern States, and tell the South to abolish slavery there as our fathers did, and pay for their slaves when they abolish the institution, and not force taxation upon us to pay for the emancipation of their slaves (Applause.) I will not tax the poor man of the North nor the rich man of the North to pay for the emancipation of slaves in Texas, North Carolina, Georgia, Tennessee, or anywhere else. There is no such authority in Congress to appropriate money for any such purpose whatever. All of these northern States have abolished slavery by their own free will, and under their own laws, have compensated the people or not compensated them as the people of the States willed. And yet, the President of the United States, in the exercise of the power of the Executive, promises to call upon Congress to tax the people of the North for the compensation of slaves, loyal or disloyal. What! are we, who are about to be more and more overridden by taxation, to be taxed even as the people of England and France are taxed on everything we eat, drink, wear and move about in? Are we to tax the laborer of the North, earning for his family, a dollar or two dollars a day, for the emancipation of slaves in distant States of the Union, over whose local interests, over whose municipal authorities, in whose debts or credits, or in whose systems of government we have no earthly right to exercise any power, and in which we have but little interest? (Cheers.)

FEDERAL COLONIZATION OF SLAVES.

The next proposition of the President is a huge system of colonization for these slaves. Coming as he does from the State of Illinois, his own Republican State, which gave him the Republican vote, imbued with the idea of the Western people, that they will not have negroes to live and dwell among them—he proposes to tax the Treasury of the United States millions upon millions to colonize, in Chiriqui or elsewhere, some three or four millions of negroes, at the expense of the North. Why, never did a dreamier idea enter the head, it seems to me, of any wild Utopian scheming philosopher. (Laughter and applause.)

The abduction, the emancipation, the colonization of four millions of human beings from the cotton and rice fields of the South, from the tropical districts of that region, where only the negro can work, where the white man cannot possibly labor under that tropical sun, the colonization of three or four millions of once happy human beings to some foreign country, on some wild prospect of emigration, and the taxation of twenty millions of Northern people to pay the expenses of this negro colonization, is utterly impossible, and never can take place. Whatever the President may say, or whatever he may dream of, the Southern negro will remain here in the land of his adoption and now the land of his birth, and the only question left for us to settle is, whether remaining, States shall be left unfranchised, unnoticed and undisturbed by us, as they have been, from the foundation of the government, or whether we shall use the power of the army to subvert and destroy the authority of their masters and instal these slaves as masters of the Southern States of this Union, ("never, never,") and when thus installed, whether we shall have slave partnerships with them?

NO NEGRO GOVERNMENT PARTNERSHIPS.

For one, I am ready to say that if the time ever arises when Georgia or Alabama, or Virginia or Louisiana is governed by negroes, with a negro judiciary, negro senators in Congress, and negro representatives, it is quite time for the white people of the North to dissolve partnership with any such concern. (Loud cheers.) All these, however, are dreams of negro liberty, equality and fraternity; and if the schemes of the President are carried out, there must inevitably follow, what the Abolitionists now demand of him, the arming of the slaves, their adoption into the army of the United States, and our recognition of them, not only as fellow soldiers, but as fellow citizens also. (Applause and laughter.) In Louisiana, there are now thousand of slaves supported on government rations, and every negro costs the U. S., forty cents a day for his ration. Something must be done with these negroes. The Abolitionists propose to bring them into the army of the United States. This is no new proposition. A like proposition was made two years ago, in the State of New York—the beginning of that idea, to give negro suffrage to negro voters, and though this was a Republican State, going for Mr. Lincoln by fifty thousand majority, the Republicans themselves had good sense enough to vote down that proposition by an immense majority. But what mean these propositions? They are nothing new. Let us see.

THE NEGRO PARTNERSHIP GOVERNMENT IN SPANISH AMERICA.

Look at Spanish America Spanish America was settled by the lofty and proud Hidalgos of Spain; New England was settled by the Puritans; Jamestown, Virginia, by a different class of people, not Puritans, not all Chevaliers, as some of them claim, not all gentlemen, but many of them far different from gentlemen.—These three classes of people settled on this Continent of America; the Puritans in the East, Chivalry, say, in the centre, and Spanish Americans in the South. God never made a nobler race of men than the old Spanish Hidalgos. True to their loyalty, true to their God and king, they carried their old flag from the banks of the Guadalquiver, far across the Atlantic ocean, from the shores of Florida through South America to Patagonia, and from thence to Chili, Peru and California, or across the Cordilleras. They went up the Rio de la Plata; and everywhere, faithful to their God and king, they carried this old flag of Spain in glory from the Atlantic to the Pacific ocean. [Applause.] As long as the pure white blood of Spain coursed in their veins, they were an unconquerable and invincible people The lofty armadas of England, the proud Drakes of our ancestors, the fleets of Queen Elizabeth and Queen Anne, all thundered in vain against this pure white blood of the Spanish people. But when Spain committed the error of marrying, and intermarrying with the Indian and with the negro, when Spain adopted into her armies the black blood of the negro, and the copper blood of the Indian, then, no longer, did the pure white blood of Spain rule in glowing grandeur from the mountain peaks of the Andes, but the negro and the Indian at last rose up, and drove out the lofty Hidalgo to the home whence he emigrated, so that now, when a northern or a southern regiment, as in recent Mexican wars, stood before the mulatto of Spain, its mongrel, negro, and copper blood, one fierce look of of a northern or southern man would demolish a whole regiment of such mongrels. And yet, the proposition of the Abolitionists is to arm our negroes, to introduce them into our armies, to take you and me, by draft and conscription, from our wives and children, and march us to the Mississippi, shoulder to shoulder, with this seething, sooty negro. [Applause.]

FELLOW (NEGRO) SOLDIERS MUST BE FELLOW CITIZENS.

There is a philosophy in arming negro men, and none know it better than the Abolitionists. Whomsoever you fight side by side with, whoever is your fellow soldier, is your fellow man, whoever meets you face to face with the enemy, with him, you must share the right of suffrage, the rights of society, the right of domicil. You must sit on juries with him and you must elect him to office. He becomes here, as in Spanish America, your equal in society and before the eye of the law. I scorn Abolitionists for their hypocrisy in the North, for while they preach the equality of the negro, they will not sit side by side with him, in the same pew, or even in the same church. They will not worship God scarcely at the same altar. They bury him away in some corner, they hide him in some dark gallery, and when God has removed him from the earth, I trust to a better world, instead of honoring him in the grave with some equality, they put him away in a dark corner of a Potter's Field. They will not marry or intermarry with negroes. I cannot persuade my friends of the *Tribune* to make negroes associate editors with them; I cannot induce them to employ negro reporters, compositors or pressmen, and yet they preach negro equality and fraternity out of the *Tribune* domain. ["How are you, Greeley, and the white coat and hat?" followed by hisses for Greeley.]

THE PROCLAMATION, NO 2.

Let us look, now, at Proclamation No. 2. I approach this topic with more apprehension than I have any of the others, for there is more threat in its promulgation. ["Don't be afraid, go on."] This proclamation is a corollary of Proclamation No. 1. It substantially says to the free white people of the North, if you discuss and agitate this subject of emancipation, if you make war against the Administration upon this subject, you shall be incarcerated in Fort La Fayette. ["Go on, let them try it."] The proclamation forbids all disloyal practices, and among other things, states, that all people who are guilty of, disloyal practices shall be subjected to martial law. But who is to judge of this guilt of disloyal practices? The courts of law--judges and juries? O, no. ["Dick Busteed."] The Provost Marshal of the city of New York, Superintendent Kennedy, the head of the police. [Hisses.] And if I have an enemy and that social enemy approaches the Provost Marshal and whispers that I am guilty of disloyal practices, he having studied into the secrets of some family circle, the Provost Marshal, without process, without judge or jury, can call to his aid two thousand policemen, and can arrest and incarcerate me in Fort La Fayette, and I am there beyond the hope of *habeas corpus* and the protection of law. ("No, never.") There are two points in the Proclamation. First is the suspension of the civil, and the establishment of martial law, and the second is the suspension of the *habeas corpus*. You all know what the civil law is—judges, juries, courts, and the processes by which you have been accustomed to see law administered, but the martial law you do not know. It has been our happy lot, since the foundation of this government, never before now to know what martial law was in this country, and we can not know what it is now, but as we read of it in the history of despotic governments over the Atlantic ocean. Martial law is the law of the bullet, the law of the drum head court, of the epaulette, the absolute law, the law from which there is no court of appeal, but to the jurisdiction of which there must be implicit obedience; and redemption, from which there is no hope for, except at the pleasure of the administrators of that martial law. The next point in that Proclamation is the suspension of the *habeas corpus*.

THE ABROGATION OF MAGNA CHARTA.

Now, friends, there are certain Latin words which come down to us from the history of our fathers, almost made English by constant use, which cannot well be translated, but which, nevertheless, are full of meaning. All English liberty, and all our liberties as descendants of Englishmen, come from what is called Magna Charta. It was extorted by the barons of England from their despotic King John, in the year 1215, for themselves and their serfs, under the threat of the sword, if he did not sign that great charter for English liberty, from which have sprung, in the main, all the rights and liberties of Englishmen. From thence comes our right

of trial by jury, and our security in the possession of our property. "*Nullus liber homo capietur vel imprisonetur*,"- "No Freeman shall be taken or imprisoned. "No Freeman shall be disseized of his freehold, imprisoned and condemned, but by judgment of his Peers, or by the law of the land." That is the right and the liberty which the English people have had since, *Anno Domino*, 1215. Now, for the first time here, and only with occasional exceptions, in the history of English liberty, we are deprived of this right of trial by jury; we are seized, arrested and imprisoned without any adjudication of a jury upon our sins, or iniquities, on any allegations which may be made against us, and our property may be seized or disturbed without any adjudication whatsoever. (Shame.)

THE NULLIFICATION OF HABEAS CORPUS.

There followed, in the reign of the two Charleses of England, (despotic kings,) what is called the writ of *habeas corpus*, the right which an English subject had, whenever he was taken prisoner, and incarcerated in a jail, to have a writ from a Judge of the Court of King's Bench, commanding the jailor to bring the body of that subject before him, to have his case adjudicated upon, according to the laws of England. And yet, that which has been English liberty since the days of the dark ages, (1215,) that which the despotic Kings of England, the two Charleses, accorded, one of whom was executed for his tyranny, and his government suppressed by Cromwell—that which our fathers have had since their reign, is now subverted, overthrown, destroyed, by a mere proclamation from the President of the U. S., annulling both the right of trial by jury and the *habeas corpus*, by which every person has a right to know, before some judge, why he has been incarcerated. The President, claims that he has authority, under the Constitution, to issue this power of suspending the *habeas corpus*. Believe you that Washington, rebelling against the tyranny of the executive power of King George, that Madison, Jefferson, Franklin, old John Adams, or any of the fathers of the Revolution, ever created a Constitution by which one mere man, having the same flesh and blood, that you and I have, is, without act of Congress, to have authority over thirty millions of people?—that he can take any of you, by day or by night, from your wives and children, and incarcerate you in Fort La Fayette or Fort Warren, beyond all hope of redemption? ("Infamous.") Never did the framers of the Constitution give or grant such powers to the Executive of the U. S. ("We will never stand it.") If it were given, there is no liberty any longer for the people of the U. S., for that Executive has but by the exercise of arbitrary power to involve this country in war with England or France, and in the suspension of the *habeas corpus*, after creating an army of a million of men, to ride, rough shod, over thirty millions of hitherto free white men. ("Never, never.")—Our own Judge Hall, in the western part of the State, but the other day liberated a person, a reverend gentleman—who may, or may not, have been guilty of something, I know not what—on a *habeas corpus*, and in doing so, declared that, as Congress had given the President no such power, he had no such power. (Applause.) Notwithstanding this decision of Judge Hall, this person was taken, the moment he was liberated (a white man kidnapped) to the Central Railroad depot, put in a freight car, isolated from the people, and secretly, and stealthily taken from Buffalo to Albany, thence to Washington, a State prisoner. (Shame.) And they tell me that for this free speech, this free and fundamental discussion of all these things, I may be imprisoned and incarcerated. ("No, you won't.") But I do not at all feel certain that one or two thousand policemen may not take me any hour of the day from the midst of my fellow-citizens, and incarcerate me. (Never." and protracted cheers.)

(A man in the audience proposed three cheers for Judge Hall, which were enthusiastically given.)

WHAT IS TO BE DONE?—GO TO THE BALLOT-BOX

Now, fellow-citizens, I dare say I shall be asked by Republicans, after these complaints against the administration of the government, "What are we to do?" If this country was not in the midst of a civil war, I would have no hesitancy in saying, as Patrick Henry said, in the Revolution, "Resistance to tyrants is obedience to God." (Enthusiastic and long continued cheering.) (Capt. Rynders—"Three cheers for that, if it is the last cheers that freemen have to give." The cheers were given.) What are we to do? (An auditor—"Where are the tyrants?" "Put him out.") All I propose to do is to appeal to the ballot-box. That has hitherto been a sufficient court of appeal for all the people of the United States. If they will permit us to have it, arouse and inspire yourselves for action at the ballot box. (Applause.) The ballot box is your only, your lofty and sublime remedy. ("Will they let us have the ballot box?") Go to the ballot box and make a trial there for the redemption of this people from all impending slavery. For the present, protest loudly against all this arbitrary exercise of power. ("We will do it.") If I, or any of your fellow citizens be imprisoned, do as the French did in the midst of the Revolution, form large processions with the red cap of liberty lifted over every freeman's head, (great applause) march to the Bastile unarmed, and on bended knees, if necessary, implore the commander to liberate your fellow-citizen. ("No, never in America.") Freemen should always, before resorting to any *ultima ratio*, petition, beg, and implore. There are rights and obligations in a country like this, as long as the ballot box is open for the redress of wrongs. ("You are right.") When you have assembled before this Bastile, read to the epaulettes, in the lofty sonorous Latin of the dark ages, the *Magna Charta* of your English fathers, thunder the *habeas corpus* in the ears of your fellow citizens and soldiers, and then read, and re-read there, the Constitution of the United States, which guarantees to every man the right of free speech, of free discussion, trial by jury, and security for his property and person. (Cheers.) Fellow citizens, I did not come here only to complain against the administration of the government this evening, but also to lay before you, in this free speech that I am making, my ideas upon the subject of this war. I have no sympathy with rebellion in any shape or form whatsoever. The Constitution of the United States once was enough for our southern countrymen, the Congress of the once United States afforded every remedy for the redress of their grievances under that Constitution. They were terribly provoked and goaded, but their duty was, with the Senate of the United States, theirs, with the House of Representatives, almost theirs, with the Judiciary, theirs; their duty was, to do what I urge upon you, this evening, to petition and to go to the ballot box. The right of petition is the birth-right of every

American. The Ballot Box is the remedy for every American. Arms, artillery, the Cartouch Box, are not elements of American progress or civilization. [Cheers.] I have my own ideas on this war. I wish I could express them freely here. ["Speak out."] No, no, I shall not speak out, when armies are contending, when fraternal blood is being shed. But (here the speaker paused some time, as if considering) this I will say, I was born in the State of Maine. On one side is the British province of Nova Scotia and on the other is that of Lower Canada, with wide navigable rivers, opening the State to the navies of the world; and yet there is such an unconquerable, invincible, Anglo-Saxon spirit, and such a high sense of Independence there that I do not believe England, France and the United States together, could ever subjugate the people. Subjugation or extermination is not an American idea; it is not a theory to which the Anglo-Saxon blood in our veins, will ever surrender. If the oath of subjugation were forced upon the citizen of Maine, he would strike at the administrator of that oath in the rear; but whoever held out to him the rights of self government, according to the Constitution of the United States, he, with a single regiment from New York, or elsewhere, could bring back all the people of Maine to their obedience. I do not propose, if any may draw such an inference, that we shall ever surrender our Constitution and government to the rebels of the southern States. But I propose to carry on the war upon a different principle—with the sword in the right hand, and the Constitution in the left; (great applause,) and under that panoply and protection, not a million of soldiers, but two hundred thousand will crush out and exterminate all southern rebellion. If it be necessary for the subjugation of that cradle of rebellion, where this unholy war first began, where the proud flag of our country was first struck down by rebel cannon, if volunteers be called, to re-hoist that flag there, I think I may say, two millions of volunteers would go from the Northern States. (Cheers.)

EXTERIOR DUTIES, THE MAIN DUTIES OF THIS GOVERNMENT.

My theory of the war, then, is to use only those powers which the Constitution gives us. And for what was our Constitution mainly formed? What were its purposes? In the main, exterior purposes,—purposes, out of, and beyond the domain of the United States. It was commerce, self-interest, that created the government of the United States; it was the desire of the people of the Chesapeake Bay to have free trade with the Hudson River; it was the desire of the people of Rhode Island to import and export from South Carolina without customs. Free trade, free commerce, and self interest were the main-springs, which, in 1787, formed the government of the United States. In the prosecution of this war I would, then, have the government hold on to New Orleans, repossess Mobile, take Galveston, conquer or subjugate Charleston at any expense. Let the government hold on to all the Southern ports for the collection of revenue. To have unity in the Custom House, at home, and unity for Foreign affairs, abroad, were the main purposes, for which this Government was formed.

FORTIFY AND HOLD GREAT RAILROAD AND RIVER POSTS.

I would have the army of the United States occupy the great points of the Mississippi river and the carcinal points on the railroads, and I would have those points fortified, and then I would leave the rebellion thus surrounded to sting itself to death, to crush itself out by the violence of its own venom. (Applause.) This geographical war of overrunning a people, whose territory stretches from the Potomac to the Rio Grande, protected in many parts by an infernal climate—this idea of overrunning with Northern people not habituated to that climate, that vast extent of territory, is a theory that, in the end, must fail. Our great duty certainly is, not to rest till the Constitution of the United States is re-established and the Union restored as it was, not as the Abolitionists would have it. Let no man, therefore, pervert what I say. I have no sympathy either with treason or secession. I abhor secessionism and Abolitionism, both.—(Great applause.) I have no more respect for Wendell Phillips than I have for Jeff. Davis. Jeff. Davis is but a rebel not two years old, and Wendell Phillips is a rebel, by his own confession, twenty years old and more. (Laughter and applause.)

UPHOLD THE CONSTITUTION, BOTH NORTH AND SOUTH.

Fellow-citizens, I have detained you too long, ["No, no, go on,"] but I felt it my duty to discuss the cardinal, primary, fundamental principles of this government, and unless they are maintained and vindicated, we shall become here what all other Republics have been, the victims of tyranny and despotism. Turn over the pages of history, full of the tombs and sepulchres of Republics that have fallen. With the exception of the little Republic of San Marino, on a peak of the Appenines, we are the only Republic on the face of this broad earth. We are trying two great experiments—first, if the pronunciamento of a people, dissatisfied with the constitutional result of an election can subvert the government, and secondly, if tyrants in heart and in spirit, can fasten upon us, by mere paper Proclamation, a tyranny which will put our Republic in the same category of the tombs and sepulchres of all other Republics that have gone before it. ["Never, never."] Freedom is a precious boon, a birthright beyond all price and calculation. Demagogues, tyrants and monarchists, the earth over, in Europe as well as here, are using all their cunning to subvert free institutions and the great principles of human liberty. If, in our hostility to rebellion, we forget our own rights and our own liberties, we are untrue to the sacred trust which our fathers handed down to us, in the Constitution and in the Declaration of Independence. Let me end, then, by repeating, now more important than ever to be impressed upon the northern mind, the sentiment of a great northern statesman, in trying times before, "Liberty and Union, now and forever, one and inseperable."

Mr. Brooks resumed his seat, amid enthusiastic cheers.

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